

this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

3. Plaintiff, Ryan Hendrickson is a natural person residing in this Judicial District.

4. Defendant, National Credit Works, Inc. is a corporation engaged in the business of collecting debt in this state with its principal place of business located at National Credit Works, Inc., 3719 Union Road, Suite 221 Cheektowaga, NY 14225. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Within one year of the filing of this complaint, Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt that is allegedly owed under an account number.

7. Upon information and belief, Defendant began placing collection calls to Plaintiff in April of 2011.

8. Upon information and belief, Plaintiff did not receive written notification from Defendant within five days of the initial communication that included the amount of the alleged debt that Defendant was attempting to collect.

9. Upon information and belief, during collection calls, Defendant has failed to disclose that the communication was from a debt collector, and that any information obtain may be used for the purpose of debt collection in collecting on the alleged debt.

10. Upon information and belief, during collection calls Defendant has lied to, or at the very least misled Plaintiff; its agent named 'Mr. Bond' threatened, "You owe our client \$650.00, and we'll pursue legal action and we can garnish your wages."

11. To date, Defendant has not commenced litigation against Plaintiff; it does not even have the legal standing to do so.

12. To date, Defendant has not taken any final, definite action to garnish Plaintiff's wages.

13. Upon information and belief, during collection calls, Defendant spoke to Plaintiff's mother about the alleged debt, who is an unrelated third party to the alleged debt, and alerted her to the alleged debt.

14. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in his feeling stressed.

CLAIM FOR RELIEF

15. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

16. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated §1692e(10) of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's alleged debt; and

(b) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and

(c) Defendant violated §1692g(a)(1) of the FDCPA by failing to send written notification to Plaintiff that is received within five days of the initial communication, with said notification including the amount of the alleged debt that the Defendant was attempting to collect; and

(d) Defendant violated §1692c(b) of the FDCPA by contacting a third party in connection with the collection of the alleged debt without the consent of the Plaintiff and the contact was not in a manner covered by §1692b of the FDCPA; and

(e) Defendant violated §1692e(11) of the FDCPA by failing to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector; and

(f) Defendant violated §1692e(5) of the FDCPA by threatening to take action that it did not intend to take.

17. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

18. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Ryan Hendrickson for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant National Credit Works, Inc., for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that plaintiff Ryan Hendrickson demands trial by jury in this action.

This 21st day of June, 2011.

Respectfully submitted,

ALEX SIMANOVSKY & ASSOCIATES LLC

/s/ Alex Simanovsky

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